

June 15 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0101

CHARLES LOKEY and VANESSA LOKEY,

Plaintiffs and Appellants,

v.

ORDER

ANDREW J. BREUNER and A.M. WELLES, INC.,

Defendants and Appellees.

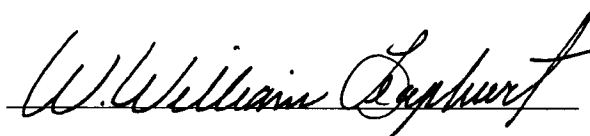
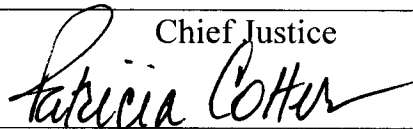
Plaintiffs and Appellants Charles and Vanessa Lokey, by counsel, have filed a "Motion to Reconsider Decision re Issues on Appeal." They seek to expand the scope of their interlocutory appeal beyond that permitted in our Order of March 17, 2010. Defendant Breuner objects to the motion. The order Plaintiffs now ask us to review—in addition to the order certified as final by the District Court—is interlocutory. Plaintiffs did not seek to certify it as final, nor did the District Court do so. We decline the invitation to "modify" our appellate rules to accommodate Plaintiffs' request. Therefore,

IT IS HEREBY ORDERED that the plaintiffs' motion to reconsider our previous Order of March 17, 2010 is DENIED.

The Clerk of this Court is directed to provide a copy of this Order to all counsel of record and to the Hon. Wm. Nels Swandal.

Dated this 15th day of June, 2010.

Chief Justice



Michael Wheeler

Jim Rice
Justices